

**REMARKS**

Claims 1-20 are pending in the application; the status of the claims is as follows:

Claims 1-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,775,397 B1 to Hämäläinen ("Hämäläinen").

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

The indication, in the Office Action, that the Examiner has no objections to the drawings filed on November 30, 2001, is noted with appreciation.

Claim 6 has been amended to more particularly point out and distinctly claim the inventions. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

**35 U.S.C. § 102(e) Rejection**

The rejection of claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Hämäläinen, is respectfully traversed based on the following.

Hämäläinen shows a face recognition system using two image capturing devices (14 and 16) with a known light source (18). The image captured is compared to a reference for recognition of the user (Step 38, Figure 6). The matching step (40) may include an update feature to update the user's profile to account for small changes in the users face due factors such as aging or weight gain (col. 4, lines 42-55). New images are added to the previously stored profile to create a averaged profile (col. 4, lines 51-52).

In contrast to the cited references, claim 1 includes:

a comparison controller that, when the similarity detector determines that a similar reference image that is similar to the input image is present, compares information on a *time of photo taking* of the input image and a *time of photo taking* of the similar reference image; ... (*italics added*)

Hämäläinen does not show or suggest any comparison based on the time of photo taking. Such a comparison would be meaningless in Hämäläinen because the image compared to the reference is always captured at the time of comparison. Therefore, Hämäläinen not only does not, but could not suggest the quoted limitation. To anticipate, a reference must show, explicitly or inherently, every limitation of the claim. MPEP §2131. Therefore, claim 1 is not anticipated by the cited references. Claims 2-5 are dependent upon claim 1 and thus include every limitation of claim 1. Therefore, claims 2-5 are also not anticipated by the cited references.

Also in contrast to the cited reference, claim 6 includes:

a renewal controller, said renewal controller replacing a similar reference image that is similar to the input image with a new reference image based on the input image when the similarity detector determines that the similar reference image is present in the reference image memory.

In Hämäläinen, a new image is added to the profile. Hämäläinen does not show or suggest the limitation of “replacing a similar reference image that is similar to the input image with a new reference image.” Moreover, replacement of the stored profile would be inconsistent with Hämäläinen’s goal of providing a secured access system. Therefore, the cited references do not show every limitation of claim 6 and claim 6 is not anticipated. Claims 7-10 are dependent upon claim 6 and thus include every limitation of claim 6. Therefore, claims 7-10 are also not anticipated by the cited references.

Also in contrast to the cited references, claim 11 includes:

comparing, when a similar reference image is determined to be similar to the input image, a *time of photo taking* of the input image with a *time of photo taking* of the similar reference image; ... (*italics added*)

As noted above with regard to claim 1, Hämäläinen does not show or suggest any comparison based on the time of photo taking. Therefore, the cited references do not anticipate claim 11. Claim 12 is dependent upon claim 11 and thus includes every limitation of claim 11. Therefore, claim 12 is also not anticipated by the cited references.

Also in contrast to the cited references, claim 13 includes:

comparing, when a similar reference image is determined to be similar to the input image, a *time of photo taking* of the input image with a *time of photo taking* of the similar reference image; ... (*italics added*)

As noted above with regard to claim 1, Hämäläinen does not show or suggest any comparison based on the time of photo taking. Therefore, the cited references do not anticipate claim 13.

Also in contrast to the cited references, claim 14 includes:

a time comparison controller for comparing a time associated with said input image and a time associated with said reference image, when said similarity detector determines that said reference image is similar to said input image; ...

Hämäläinen does not show or suggest any comparison between an input image and a reference image based on a time factor. As noted above, there is an inherent time relationship in the Hämäläinen system. Thus, there would be no point in such a comparison. Therefore, the cited references do not anticipate claim 14. Claims 15-18 are dependent upon claim 14 and thus include every limitation of claim 14. Therefore, claims 15-18 are also not anticipated by the cited references.

Also in contrast to the cited references, claim 19 includes:

comparing, when a similar reference image is determined to be similar to the input image, a time associated with the input image with a time associated with the similar reference image;

Hämäläinen does not show or suggest any comparison between an input image and a reference image based on a time factor. As noted above, there is an inherent time relationship in the Hämäläinen system. Therefore, the cited references do not anticipate claim 19. Claim 20 is dependent upon claim 19 and thus includes every limitation of claim 19. Therefore, claim 20 is also not anticipated by the cited references.

Accordingly, it is respectfully requested that the rejection of claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Hamalainen, be reconsidered and withdrawn.

### **CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.


This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

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Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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